IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3770 OF 2006

Shri Dilip Ramrao Patil, Secretary
Gopleshwar Shikshan Prasarak
Mandal, Mauje Jakhale and anr. ...Petitioners
Versus
Deputy Charity Commissioner, Kolhapur
and Ors. ....Respondents

Amit Sale, advocate for the petitioners.
S.S.Patwardhan advocate for respondent Nos.2 to 10.

CORAM: S.C.DHARMADHIKARI, J.

29th November, 2007

P.C. :

1. After this matter was argued for some time, the attention of Mr.Sale was invited to the provisions of the Bombay Public Trusts Act, 1950. In all fairness, he states that against the order under challenge he can approach the appellate authority.

2. The petitioner presses for some time to approach the appellate authority. The appellate authority if approached within a period of three weeks

from today, to consider appropriately the request made by the petitioner appellant for condoning the delay in filing the said appeals. Needless to state, that the appellate authority would take into consideration the fact that the Writ Petition was pending in this court from 2006. Further, the appellate court to permit the petitioners, upon delay being condoned, to raise all contentions as are permissible in law to challenge the said order and directions not only with regard to alienation of property but also holding of meetings. All contentions of both sides in that behalf are kept open.

3. Needless to state that the appellate authority after condoning the delay to deal with the appeal on merits without being influenced by the argument of its maintainability so also the fact that the jurisdiction of the Deputy Charity Commissioner was invoked under some other provisions. The ultimate order being traceable to Section 41(E) of the Act, the Appeal should be dealt with as such. Petition disposed off. No costs.

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